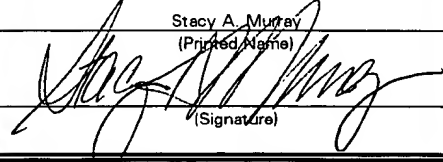


**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant: Fahy, Gregory M.  
Title: **Hypertonic Reduction of Chilling Injury**  
Appl. No.: 09/916,032  
Patent Type: Patent Application  
Correspondence Address: Jay P. Hendrickson  
FOLEY & LARDNER  
One Maritime Plaza, Sixth Floor  
San Francisco, California 94111-3404

CERTIFICATE OF EXPRESS MAILING	
I hereby certify that this correspondence is being deposited with the United States Postal Service's "Express Mail Post Office To Addressee" service under 37 C.F.R. § 1.10 on the date indicated below and is addressed to: <b>Commissioner for Patents, BOX MISSING PARTS, Washington, D.C. 20231.</b>	
ET461519458US (Express Mail Label Number)	10/11/01 (Date of Deposit)
Stacy A. Murray (Printed Name)	
 (Signature)	

This Declaration and Power of Attorney is submitted under 37 C.F.R. § 1.63.

**DECLARATION AND POWER OF ATTORNEY**

As a below named inventor, I HEREBY DECLARE:

THAT my residence, post office address, and citizenship are as stated below next to my name;

THAT I believe I am an original, first and sole inventor of the subject matter which is claimed and for which a patent is sought on the invention entitled

**Hypertonic Reduction of Chilling Injury**

the specification of which (check one)

\_\_\_\_ Is attached hereto.  
 X  Was filed on 07/26/2001 as United States Application Number 09/916,032.

THAT I do not know and do not believe that the same invention was ever known or used by others in the United States of America, or was patented or described in any printed publication in any country, before I invented it;

THAT I do not know and do not believe that the same invention was patented or described in any printed publication in any country, or in public use or on sale in the United States of America, for more than one year prior to the filing date of this United States application;

THAT I do not know and do not believe that the same invention was first patented or made the subject of an inventor's certificate that issued in any country foreign to the United States of America before the filing date of this United States application if the foreign application was filed by us, or by our legal representatives or assigns, more than twelve months (six months for design patents) prior to the filing date of this United States application;

THAT I have reviewed and understand the contents of the above-identified specification, including the claims, as amended by any amendment specifically referred to above;

THAT I believe that the above-identified specification contains a written description of the invention, and of the manner and process of making and using it, in such full, clear, concise, and exact terms as to enable any person skilled in the art to which it pertains, or with which it is most nearly connected, to make and use the invention, and sets forth the best mode contemplated by me of carrying out the invention; and

THAT I acknowledge the duty to disclose to the U.S. Patent and Trademark Office all information known to me to be material to patentability as defined in Title 37, Code of Federal Regulations, §1.56.

THAT I hereby claim the benefit under Title 35, United States Code, § 120 of any United States applications listed below, and insofar as the subject matter of each of the claims of this application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose information which is material to patentability as defined in Title 37, Code of Federal Regulations, § 1.56, which became available between the filing date of the prior application and the national or PCT international filing date of this application:

Prior U.S.A. Application

Application No.: **09/771,221**      Filing Date: **January 26, 2001**      Status: **Pending**

I HEREBY APPOINT the following registered attorneys and agents of the law firm of FOLEY & LARDNER:

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JAY P. HENDRICKSON

Reg. No. 37,147

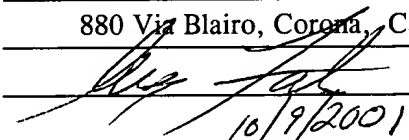
to have full power to prosecute this application and any continuations, divisions, reissues, and reexaminations thereof, to receive the patent, and to transact all business in the United States Patent and Trademark Office connected therewith.

I request that all correspondence be directed to:

Jay P. Hendrickson  
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One Maritime Plaza, Sixth Floor  
San Francisco, California 94111-3404  
Telephone: (415) 438-6454  
Facsimile: (415) 434-4507

I UNDERSTAND AND AGREE THAT the foregoing attorneys and agents appointed by me to prosecute this application do not personally represent me or my legal interests.

I FURTHER DECLARE THAT all statements made herein of my own knowledge are true, and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the application or any patent issuing thereon.

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Inventor's signature	
Date	10/9/2001